

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.10 I, Closed Area No. 9, Saco River and Saco Bay, Biddeford, Saco, Old Orchard Beach, and Scarborough, promulgated on April 13, 2001, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.10 I, Closed Area No. 9, Saco River, Biddeford and Saco.

- 1) Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Hills Beach, Biddeford, inside of a line beginning at the northeast tip of Fort Hill, then running northeast to the northeast corner of Stage Island; then running west to the shore end of the jetty at the southeast corner of the mouth of the Saco River. This area is classified restricted and requires a special MDMR permit.
- 2) Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Saco River, Biddeford and Saco, west of a line beginning at the east tip of Fletcher Neck (East Point), then running northeast to the east end of Wood Island, then running northwest to the north end of Ram Island; then running west to Fairhaven Avenue; AND north of a line beginning on the south shore of Biddeford Pool by telephone pole #033S, then running north to the south tip of Fort Hill, then running north from the northeast tip of Fort Hill to the northeast corner of Stage Island; then running west to the shore end of the jetty at the southeast corner of the mouth of the Saco River.
- 3) Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of Biddeford Pool, from June 1 through September 30, west of a line beginning at the south tip of Fort Hill, then extending south to telephone pole #033S on the south shore of the Pool; AND north of a line across the tidal channel bridge on Bridge Road.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: July 15, 2004

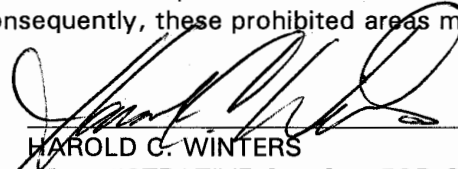
AGENCY CONTACT PERSON: Amy M. Fitzpatrick
Department of Marine Resources
Boothbay Harbor Laboratory
194 McKown Point Road
W. Boothbay Harbor, ME 04575

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STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.10 I, Closed Area No. 9, Saco River and Saco Bay, Biddeford, Saco, Old Orchard Beach, and Scarborough, promulgated on April 13, 2001, and replaces it with 2 new rules. This new regulation describes the closures at the Saco River, the restricted area at Hills Beach and the seasonal conditional area in Biddeford Pool. The closures at Goosefare Brook and Old Orchard Beach are now described in Closed Area No. 10. This is an administrative change.

The prohibited areas are closed due to the presence of licensed municipal waste discharges and intermittent microbiological pollution. Consequently, these prohibited areas must remain closed to protect the public health.



HAROLD C. WINTERS
ADMINISTRATIVE OFFICER FOR GEORGE D. LAPOINTE, COMMISSIONER, AS
AUTHORIZED BY 12 M.R.S.A. SECTION 6023

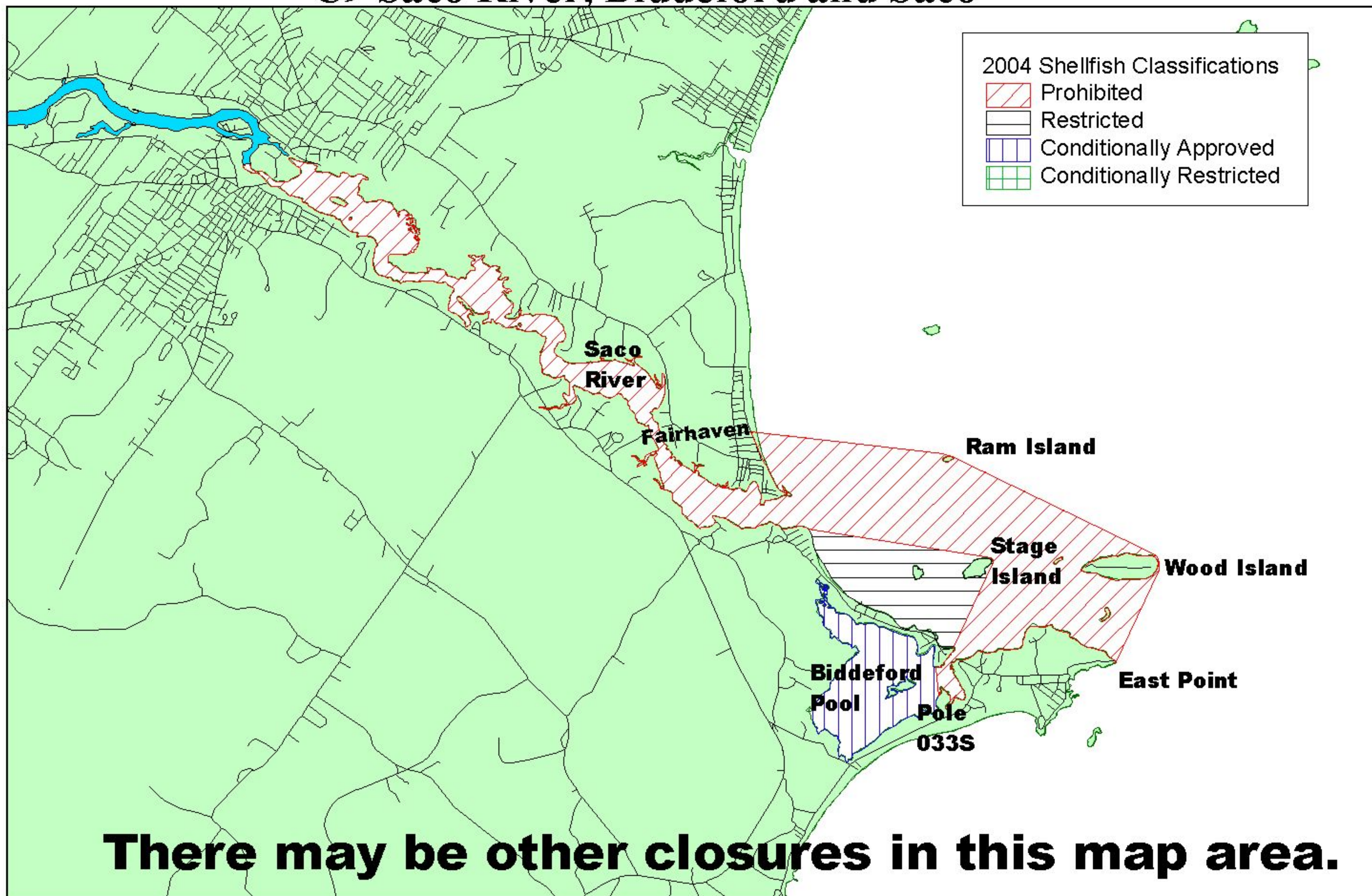


Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

C9 Saco River, Biddeford and Saco

7/15/04



0.8 0 0.8 1.6 Miles